

REMARKS

The Final Office Action mailed May 26, 2010 and the references cited therein have been carefully considered. Claims 1-13 and 15-26 are currently pending. No amendments are intended by this response. Nonetheless, Applicants respectfully request further consideration of the pending rejections based on the arguments presented below.

Claim Rejections under 35 USC §§ 102(b) and 103(a)

In the Office Action, Claims 1-3, 5-7, 11, 13 and 15-26 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,892,672 to Klein (**Klein**). Additionally, Claims 4, 9 and 10 are rejected under U.S.C. 103(a) as being unpatentable over Klein in view of U.S. Patent No. 4,266,509 to Gollott et al. (**Gollott**). Also, Claim 12 is rejected as being unpatentable over Klein in view of U.S. Patent No. 6,044,798 to Foster et al. (**Foster**). Applicants respectfully traverse these rejections.

In the subject Office Action at page 6, the Office Action suggests that Figure 5 of Klein depicts four different breeding cages, each labeled 10A, 10B, 10C and 10D respectively. However, Applicants would like to point out that this is not the case. Figure 5 shows four different positions for a single breeding cage 10 with position A having the breeding cage floating at the water surface, position D having the same breeding cage 10 sitting on the ocean floor, and positions B and C representing positions therebetween. The Examiner's attention is directed to column 5, lines 16-28 where it is clarified that position 10A is a top position and presumably 10D is the bottom position. Accordingly, it cannot be said that Klein discloses "breeding surfaces extending substantially

parallel to each other above each other” as recited in Claim 1 or a method including an apparatus with breeding surfaces extending above each other as recited in Claim 15. Accordingly, it is respectfully requested that the rejection of the claims under 35 U.S.C. §102(b) be reconsidered.

Also, as the rejections under 35 U.S.C. §103(a) of the subject Office Action have now replaced the previous reference to U.S. Patent No. 4,266,509 to Gollott et al. with the above-mentioned Klein patent, these rejections fail for the reasons noted above with regard to Klein.

Accordingly, it is respectfully submitted that Claims 1-13 and 15-26 are allowable and favorable reconsideration is hereby solicited.

Conclusion

In view of the foregoing remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner has any questions or suggestions to expedite allowance of this application, she is cordially invited to contact Applicants’ attorney at the telephone number provided.

Respectfully submitted,

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